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DE RUEHJA #9996 2201110
ZNR UUUUU ZZH
O 081110Z AUG 06
FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8480
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS IMMEDIATE
RUEHPB/AMEMBASSY PORT MORESBY IMMEDIATE 3206
RHEHNSC/NSC WASHDC IMMEDIATE
RUEAWJB/DEPT OF JUSTICE WASHDC IMMEDIATE
RHHMUNA/USCINCPAC HONOLULU HI IMMEDIATE
RUCNFB/DIR FBI WASHDC IMMEDIATE

UNCLAS JAKARTA 009996

SIPDIS

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FBI PLS PASS TO CTD/ITOS I, CTD/ITOS II, GOU
SECSTATE FOR EAP/MTS AND DS/DSS, DS/IP/EAP, DS/EAP/ITA, AND
CA/OCS/ACS

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [ASEC](#) [CASC](#) [KJUS](#) [ID](#)

SUBJECT: TIMIKA TRIAL: DEFENSE FILES "EXCEPTION MOTION"

REF: A. JAKARTA 8958 TIMIKA TRIAL OPENS

[1](#)B. JAKARTA 9697 TIMIKA TRIAL: DEFENDANTS
UNCOOPERATIVE

[1](#)1. (U) After several weeks of delay, the trial of the seven men accused of killing two Amcits in Timika, Papua in 2002 took a small step forward as defense attorneys submitted a 24-page "motion for exception" to the charges to the three judge panel. Although essentially just another delay tactic, the submission of the motion does constitute a tacit acceptance of the judges' authority over the defendants, something that the defense has not previously acknowledged. Defense attorney Johnson Panjaitan of the Indonesian Legal Aid Society (PBHI) read the document, entitled "America Seeks Justice in Bandit Country," into the record. The document ostensibly aims to convince the panel of judges to either throw out the indictments or to move the trial back to Timika.

[1](#)2. (U) The motion makes three main arguments, most of them familiar. First, the defense claims, the trial is simply a political show put on by the GOI according to the dictates of the U.S. Second, they claim that the Central Jakarta Court is incompetent to try the case and that it should be returned to Timika. Third, they claim the dossier submitted by the police investigators in the case does not conform to legally accepted standards. Next week the prosecution will have an opportunity to reply to the motion for exception, and in two weeks the judges will make a decision as to whether to accept the defense motion or move on with witness examination.

[1](#)3. (SBU) According to a lawyer familiar with the case, the document filed by the defense is not really a legal motion at all, but rather a political statement intended to please the defendants and further delay the proceedings. Our contact confidently predicted that the motion for exception would be denied and that the trial would progress to witness testimony. We expect American witnesses to start being called in early to mid-September.
PASCOE